FEDERAL AND STATE LAWS AGAINST SEX DISCRIMINATION PROTECT PREGNANT WORKERS, PREGNANT WOMEN SEEKING JOBS, AND WOMEN WHO CHOOSE TO HAVE AN ABORTION

What can't an employer do?

Employers who have at least 6 workers cannot:

- Fire or force a worker to leave because of pregnancy.
- Refuse to hire a woman because she is pregnant.
- Fire or refuse to hire a woman because she chooses to have an abortion.
- Take away seniority rights and other benefits because of maternity leave, unless this is the policy for all workers with temporary disabilities.

BE INFORMED OF YOUR RIGHTS

Answers to frequently asked questions...

Can my employer force me to take maternity leave?

<u>No</u>, unless all employees with temporary disabilities are required to take temporary leave and unless you are medically unable to perform your job. The period of time during which you are disabled by your pregnancy is a medical decision.

Do I have to be examined by the company doctor during my pregnancy?

<u>Yes</u>, if the company doctor examines all employees requesting sick leave for a temporary disability.

Does my employer have to provide me with alternative job assignments if I am unable to perform my current job because I am pregnant?

<u>Yes</u>, if your employer gives easier duties to other employees who are temporarily disabled.

Can I take as much sick leave as I want for maternity reasons?

No, unless you are unable to work because you have been disabled by your pregnancy. An employer can impose time limitations on any medical leave including pregnancy leave. These time limitations must be set in the same way that your employer places time limitations for other temporary disabilities. If your employer has 50 or more employees in a 75 mile radius, get information about your rights under the Family Medical Leave Act (see last section of brochure).

Can I use accumulated sick leave benefits while disabled by pregnancy?

<u>Yes</u>, as with any temporary disability you can take as much sick leave as you are entitled to.

Can I use sick leave I am entitled to if I miscarry, have an abortion, or give birth?

<u>Yes</u>, if your employer provides sick leave benefits for other temporary disabilities, you must be provided the same treatment.

Once I am no longer disabled by childbirth or pregnancy—related conditions, is my employer required to give me my job back?

<u>Yes</u>, your employer must reinstate you in the same job or a job with equal pay and benefits if other employees are given their same job back or a comparable one once they have recovered from a temporary disability such as a broken leg or heart attack.

If I am working or looking for a new job, am I obligated to tell an employer that I may be pregnant?

<u>No</u>, you do not have legal obligation to volunteer information about a potential pregnancy. If asked, you should tell the truth about your condition. The employer cannot fire or refuse to hire you because of your pregnancy.

Can I file a charge if an employer fires me or refuses to hire me because I am pregnant?

<u>Yes</u>, you have a right to file a charge. It is against the law to fire or refuse to hire a woman just because she is pregnant.

What can I do if I am discriminated against?

- Document the incident. Record the time, date and place of the incident. Note what was said and who was there. These notes will help if you decide to take legal action.
- Find out if other workers have faced pregnancy-related discrimination.
- Keep doing your job well. Keep a record of your work such as job evaluations and any letters which reflect your job performance.
- Talk to your union representative. Often, unions will have rules in place that allow you to file a complaint. If you do not belong to a union, call a civil rights or women's group for help.

(see back page of brochure)

- Talk to your employer. Your company may have a procedure for filing complaints or an equal employment opportunity officer. You could also check your employee handbook for such procedures.
- File a charge. Contact one of the agencies listed in this brochure for help. The law has a very short time limit on how long you can wait to file a charge.

This brochure cannot answer all questions concerning pregnancy and employment.

Please contact the Human Rights
Commission for additional information.

WHERE TO GET HELP:

COLUMBUS HUMAN RIGHTS COMMISSION

123 Washington Street #5 Columbus, IN 47201

TEL: 812-376-2532 FAX: 812-375-2752 TDD: 812-375-2720

www.columbus.in.gov/chrc-index.html

Equal Employment Opportunity Commission

101 W. Ohio Street, Suite 1900 Indianapolis, IN 46204-4203

TEL: 1-800-669-4000 TTY: 1-800-669-6820 http://www.eeoc.gov/

Women's Bureau – Region 5 U.S. Department of Labor

230 S. Dearborn Street, Room 1022 Chicago, IL 60604

TEL: 1-800-827-5335 TDD: 1-800-326-2577

http://www.dol.gov/wb/

FOR INFORMATION ABOUT THE FAMILY MEDICAL LEAVE ACT CONTACT:

U.S. Department of Labor ESA Wage & Hour Division U.S. Courthouse

46 E. Ohio Street, Room 413 Indianapolis, IN 46204

TEL: 317-226-6801 or, 866-487-9243

TTY: 1-877-889-5627

http://www.in.gov/dol/wagehour.htm

SHOULD I NOT WORK WHILE I'M PREGNANT...



...THAT'S <u>YOUR</u> DECISION, NOT YOUR EMPLOYER'S!

Pregnancy Discrimination is
Against the Law



VALUING DIVERSITY & PROMOTING EQUALITY SINCE 1962

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